

Governor's Executive Orders/Proclamations

**EXECUTIVE ORDERS, PROCLAMATIONS OF
GENERAL APPLICABILITY, AND STATEMENTS
ISSUED BY THE GOVERNOR
PURSUANT TO A.R.S. § 41-1013(B)(3)**

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders and Proclamations of General Applicability issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed. With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

EXECUTIVE ORDER 2011-07

Receipt of Criminal History Record Information

Non-Profit Organizations That Interact With Children or Vulnerable Adults

[M11-426]

WHEREAS, non-profit organizations employ, hire, retain or associate with individuals that interact with children or vulnerable adults, and it would be in the best interests of the state to inquire into the character and past criminal conduct of individuals that may interact with children or vulnerable adults; and

WHEREAS, the Arizona Department of Public Safety maintains a Central State Repository pursuant to A.R.S. § 41-1750 for the purpose of procuring and maintaining information concerning arrests and convictions of persons for public offenses in Arizona; and

WHEREAS, the Central State Repository is authorized pursuant to A.R.S. § 41-1750 to provide Arizona criminal history record information to any individual for any lawful purpose upon submission of the subject of record's fingerprints and the prescribed fee; and

WHEREAS, non-profit organizations are engaging in the lawful purpose of inquiring into the past criminal conduct of individuals that they may employ, hire, retain, or associate with because those individuals may interact with children or vulnerable adults; and

WHEREAS, individuals may receive Arizona criminal history record information from the Arizona Department of Public Safety pursuant to A.R.S. § 41-1750 by specific authority granted by statute, ordinance, executive order, or other lawful authority, and subject to the rules of the Arizona Department of Public Safety;

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, under the authority provided by A.R.S. § 41-1750, hereby authorize the Central State Repository of the Arizona Department of Public Safety to provide, upon receipt of applicant fingerprint cards and fees, Arizona criminal history record information to non-profit organizations that interact with children or vulnerable adults for the lawful purpose of evaluating the fitness of all current and prospective employees, contractors and volunteers of those organizations in accordance with those rules issued by the Arizona Department of Public Safety.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this 22nd day of November in the year Two Thousand and Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** CALLING A FOURTH SPECIAL SESSION
OF THE FIFTIETH LEGISLATURE OF THE STATE OF ARIZONA ***

[M11-407]

By the power vested in the Governor by the Arizona Constitution, Article IV, Part 2, Section 3, and Article V, Section 4, respectively, I, Ken Bennett, Acting Governor of the State of Arizona, call the 50th Legislature to meet in a Fourth Special

Arizona Administrative Register / Secretary of State
Governor's Executive Orders/Proclamations

Session at the Capitol on the 1st Day of November, 2011, at 4:45 p.m.

The subjects to be considered at the Special Session shall be:

1. A memorial by either or both bodies of the legislature to provide comments and recommendations regarding the draft maps of congressional and legislative districts to the Arizona Independent Redistricting Commission for consideration by the Commission prior to the Commission establishing final district boundaries pursuant to the Arizona Constitution, Article IV, Part 2, Section 1 (16).
2. The Arizona Senate to consider concurrence in the removal of a commissioner of the Arizona Independent Redistricting Commission for substantial neglect of duty or gross misconduct in office pursuant to the Arizona Constitution

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Ken Bennett
A C T I N G G O V E R N O R

DONE at the Capitol in Phoenix on this 1st day of November in the year Two Thousand Eleven and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Jim Drake
Acting Secretary of State

* ARIZONA WINE WEEK *

[M11-422]

WHEREAS, Arizona is home to 45 licensed and bonded wineries operating throughout the State; and

WHEREAS, Arizona wines are produced by a diverse body of vineyard owners drawn from many backgrounds to the beautiful and fertile Arizona terrain and climate; and

WHEREAS, Arizona vineyards represent the best of small, family-owned, low-water-use agriculture that produces a product desired throughout the United States; and

WHEREAS, Arizona wines have been recognized among the best in the world by highly regarded experts, bringing honors and awards to the State; and

WHEREAS, in a 2011 blind tasting event, experts throughout the world ranked Arizona best in both red and white categories, with six Arizona wines being ranked among the top 10; and

WHEREAS, Arizona vineyards provide the State not only with excellent, well-regarded wines, but also with fascinating and scenic opportunities for tourism and economic development in some of Arizona's most beautiful areas; and

WHEREAS, Arizona wine has come to symbolize and exemplify the striking landscape, exquisite climate, well-organized industry and spirit of hard work that characterize the great State of Arizona.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby recognize November 13-19, 2011 as

* ARIZONA WINE WEEK *

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this seventh day of November in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

Governor's Executive Orders/Proclamations

ATTEST:
Ken Bennett
Secretary of State

*** SILVESTRE S. HERRERA DAY ***

[M11-421]

WHEREAS, Silvestre S. Herrera is recognized for outstanding service to this country and for his sacrifice and courage under fire, as well as his patriotism and service to the great State of Arizona; and

WHEREAS, on August 23, 1945, Private First Class Silvestre S. Herrera of the U.S. Army Company E, 142nd Infantry Division, was awarded the Congressional Medal of Honor, making him the first soldier from Arizona to receive this most prestigious medal during World War II; and

WHEREAS, one year after receiving the Congressional Medal of Honor, Silvestre S. Herrera was awarded the Primera Merito Militar from the nation of his birth. Mexico took the unprecedented step of awarding him its highest award for valor, making him the only person in the world authorized to wear both the Congressional Medal of Honor and the Primera Merito Militar; and

WHEREAS, Silvestre S. Herrera lived his life as a humble man of distinction, proud of his heritage and his U.S. citizenship. His service remains a shining example of a dedicated American and a true hero.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 10, 2011 as

*** SILVESTRE S. HERRERA DAY ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this seventh day of November in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

EXECUTIVE ORDER 2011-05

State Regulatory Rule Making Review and Moratorium To Promote Job Creation and Retention

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on June 30, 2012 as a notice to the public regarding state agencies' rulemaking activities.

[M11-234]

WHEREAS, my first official action as Governor was to institute a regulatory rule making review and moratorium process ("regulatory review and moratorium") in order to prevent additional and unnecessary burdens on our private sector employers and political subdivisions; and

WHEREAS, other states have since implemented regulatory reviews and moratoriums; and

WHEREAS, the economic climate in Arizona continues to challenge both those seeking employment and our employers, who are the key to increasing job opportunities in this State; and

WHEREAS, a predictable regulatory climate in this State will promote job creation and retention; and

WHEREAS, the Legislature enacted the regulatory review and moratorium for fiscal year 2009 - 2010 by passing House Bill 2008 in the 2009 Third Special Session; and

WHEREAS, the Legislature continued the regulatory review and moratorium for fiscal year 2010 - 2011 by passing House Bill 2260 in the 2010 Second Regular Session; and

WHEREAS, the current regulatory review and moratorium expires on June 30, 2011; and

Arizona Administrative Register / Secretary of State
Governor's Executive Orders/Proclamations

WHEREAS, the expiration of the current regulatory review and moratorium could result in a regulatory explosion detrimental to job creation and retention in this State; and

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby declare that for fiscal year 2011-2012 ending June 30, 2012, the following:

1. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any rule making except as permitted by this Order. The objective of this Order is eliminate any unnecessary increased monetary or regulatory costs on employers, persons, individuals, other state agencies, or political subdivisions of this State. This prohibition includes any informal rule making prior to the commencement of the formal rule making process.
2. Paragraph 1 does not apply to state agency rule making for any one or more of the following reasons:
 - a. To fulfill an objective related to job creation in this State.
 - b. To lessen or ease a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace or safety.
 - d. To avoid a violation of a court order or federal law that would result in sanctions by a court or federal government against an agency for failure to conduct the rule making action.
 - e. To comply with a federal statutory or regulatory requirement or a state statutory requirement if the applicable statute or regulation contains a date certain for compliance on or before December 31, 2012 or is necessary under subparagraph (c) of this Paragraph.
 - f. To fulfill an obligation related to fees or any other action necessary to implement the state budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
 - g. To promulgate a rule or other item that is exempt from title 41, chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
 - h. To address matters pertaining to the control, mitigation or eradication of waste, fraud or abuse within a state agency or wasteful, fraudulent or abusive activities perpetrated against a state agency.
3. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any informal or formal rule making pursuant to Paragraph 2 or otherwise without the prior written approval of the Office of the Governor.
4. This Order applies to all state agencies, except for: (a) any state agency that is headed by a single elected state official, (b) the corporation commission, or (c) any state agency whose agency head is not appointed by the Governor.
5. All state officials and state agencies that are not subject to this Order pursuant to Paragraph 4 are encouraged to participate voluntarily within the context of their own rule making processes.
6. State agencies may continue a rule making that was authorized by the Office of the Governor on or after January 22, 2009. All state agencies, subject to this Order pursuant to Paragraph 4, shall report to the Office of Governor by July 29, 2011 all pending rule makings and any pending requests to the Office of Governor for rule making.
7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a state agency.
8. For the purposes of this executive order, "person", "rule" and "rule making" have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix, Arizona this 30th day of June in the year Two Thousand Eleven and of the Independence of the United States of America the Two Hundred and Thirty-fifth.

ATTEST:
Ken Bennett
Secretary of State